

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CT-3116-D

FILED

FEB 07 2011

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

AMADO SOSA-DOMINGUEZ,)
)
Plaintiff,)
)
v.)
)
THE GEO GROUP, et al.,)
)
Defendants.)

ORDER

On July 1, 2009, Amado Sosa-Dominguez (“Sosa-Dominguez” or “plaintiff”) filed this action against The Geo Group, Warden G. Snyder, Associate Warden D. Farmer, Counselor B. Moore, and Chaplain D. Blevins [D.E. 1]. On March 1, 2010, the court resolved various motions, including denying plaintiff’s motion to appoint counsel [D.E. 16]. On March 12, 2010 defendants filed a motion to dismiss for failure to prosecute on the ground that Sosa-Dominguez was released from incarceration on February 11, 2010, and had not provided the court with his change of address as required by Local Civil Rule 83.3, EDNC [D.E. 21]. On March 31, 2010, defendants answered the complaint [D.E. 24]. On April 5, 2010, the court directed Sosa-Dominguez to show cause why the action should not be dismissed for failure to prosecute [D.E. 25]. On April 15, 2010, Sosa-Dominguez provided the court with his change of address [D.E. 26] and filed another motion to appoint counsel [D.E. 28]. On April 26, 2010, Sosa-Dominguez filed his response to the show cause order [D.E. 29].

Sosa-Dominguez seeks appointment of counsel because he was moved to a detention center where he lacked access to legal materials or people with legal experience. See Mot. Appoint

Counsel ¶¶ 1–3. It appears that Sosa-Dominguez has since left the detention center and is now residing in a private home [D.E. 33]. Accordingly, the court DENIES plaintiff's motion to appoint counsel [D.E. 28].

As for defendants' motion to dismiss for failure to prosecute, Sosa-Dominguez has complied with Local Civil Rule 83.3, EDNC, and responded to the court's show cause order. Accordingly, the court DENIES defendant's motion to dismiss for failure to prosecute [D.E. 21].

SO ORDERED. This 7 day of February 2011.


JAMES C. DEVER III
United States District Judge